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May 30, 2012

VIA E-FILE

Jocelyn D. Boyd, Esquire  
Chief Clerk and Administrator  
South Carolina Public Service Commission  
101 Executive Center Drive  
Columbia, SC 29210

RE: Application of Crexendo Business Solutions, Inc. for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services Using Voice over Internet Protocol technology

Dear Ms. Boyd:

Enclosed please find for filing the Application of Crexendo Business Solutions, Inc. for a Certificate of Public Convenience and Necessity to Provide Local Exchange and Interexchange Telecommunications Services Using Voice over Internet Protocol Technology. Also enclosed is a Motion for Protective Treatment seeking confidential treatment of the facilities schematic found in Exhibit F filed under seal. Under separate cover via U.S. Mail, a copy of Exhibit F containing the confidential facilities schematic is being filed under seal and served with the Application and Motion for Protective Treatment upon the Office of Regulatory Staff under seal. Also enclosed is a Certificate of Service on the Office of Regulatory Staff.

If you have any questions, or if I may provide you with any additional information, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.

Scott Elliott

SE/mjl

Enclosures

cc: C. Dukes Scott, Esquire w/enc.  
Lance J.M. Steinhart, Esquire

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MS

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

Application of CREXENDO BUSINESS SOLUTIONS, INC.  
for a Certificate of Public Convenience and Necessity  
to Provide Local Exchange and Interexchange  
Telecommunications Services Using Voice over  
Internet Protocol Technology

**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING Exhibit F  
AS TRADE SECRET**

**Introduction**

CREXENDO BUSINESS SOLUTIONS, INC. ("Applicant"), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment ("Motion") in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission ("Commission"), of certain commercially-sensitive information concerning the Applicant's use of its own facilities as trade secrets. See *Exhibit F* to the Application of CREXENDO BUSINESS SOLUTIONS, INC for Designation as an Eligible Telecommunications Carrier within the State of South Carolina which is attached hereto and filed under seal. Because this Motion is an inseparable part of the Application, it is being filed concurrently therewith.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

Crexendo Business Solutions, Inc.  
1615 South 52<sup>nd</sup> Street  
Tempe, AZ 85281

2. Correspondence or communications regarding this Motion should be addressed to:

Scott Elliott, Esquire  
Elliott & Elliott, P.A.  
1508 Lady Street  
Columbia, SC, 29201  
Tel: 803-771-0555  
Fax: 803-771-8010  
Email: [selliott@elliottlaw.us](mailto:selliott@elliottlaw.us)

Lance J.M. Steinhart  
Lance J.M. Steinhart, P.C.  
1725 Windward Concourse, Suite 150  
Alpharetta, Georgia 30005  
(770) 232-9200 (Phone)  
(770) 232-9208 (Fax)  
[lsteinhart@telecomcounsel.com](mailto:lsteinhart@telecomcounsel.com) (Email)

#### **I. Description of Confidential Information.**

3. The Application requires the Applicant to disclose evidence that it will offer all of the services supported by universal service using its own facilities or a combination of its own facilities and the resale of another carrier's services. In conformity with this requirement, the Applicant submits a facilities schematic diagram reflecting its use of its own facilities. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere.

#### **II. Grounds for Claim of Confidentiality.**

4. The facilities schematic diagram and its contents attached as *Exhibit F* to the

Application are not readily available to persons external to Applicant.

5. Because the facilities schematic diagram and its contents submitted by the Applicant in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, the Applicant seeks to protect such material from public disclosure. The Applicant derives independent economic value from the fact that significant, detailed and proprietary information regarding its use of its own facilities is unknown to its competitors. As such, the detail and manner of the Company's use of its own facilities is a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors in South Carolina, as well as in other states in which the Applicant provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. The Applicant clarifies herein that its request for protection applies only to the document attached as *Exhibit F* to the Application.

### **CONCLUSION**

7. The information concerning Applicant's use of its own facilities included in support of the Applicant's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to the Applicant as a result of any disclosure is real and not speculative. For these reasons, the facilities schematic diagram and its contents attached as *Exhibit F* to the Application should be protected from public disclosure by the Commission.

WHEREFORE, the Applicant respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the facilities schematic diagram and its contents attached as *Exhibit F* to the Application of CREXENDO BUSINESS SOLUTIONS, INC for Designation as an Eligible Telecommunications Carrier

within the State of South Carolina is filed *under seal* as Confidential in this proceeding.

Dated this 30<sup>th</sup> day of May, 2012.

Respectfully submitted,



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Attorneys for Applicant

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For a Certificate of Public Convenience and Necessity  
to Provide Local Exchange and Interexchange  
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Internet Protocol Technology

**APPLICATION OF CREXENDO BUSINESS SOLUTIONS, INC.**

**EXHIBIT F**

**Network Diagram**

**CONFIDENTIAL & PROPRIETARY  
FILED UNDER SEAL**

**EXHIBIT F**  
**NETWORK DIAGRAM**

**CONFIDENTIAL AND PROPRIETARY**